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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,196	05/07/2001	Jean-Francois Bodet	7343M	1416

27752 7590 04/30/2004

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/831,196	Applicant(s) BODET ET AL.	
	Examiner Charles I Boyer	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-37 is/are pending in the application.
4a) Of the above claim(s) 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to applicants' request for continued examination received Jan 26, 2004. Claims 17-37 are currently pending.

Election/Restrictions

1. Newly submitted claims 35-37 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 35-37 are drawn to a device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 35-37 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 claims a surfactant, then appears to claim a mixture

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of nonionic surfactants. It is unclear whether one or two nonionic surfactants are required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansmann, WO 97/16,263.

Hansmann teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid (see abstract). An example of such a cleaning fluid comprises water, two nonionic surfactants, an ethoxylated alcohol and an ethoxylated amine, sodium carbonate, and sodium tripolyphosphate (page 9, lines 18-27). Another example comprises water, an ethoxylated alcohol and an alkyl sulfate (page 10, lines 3-8). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to additional components claimed in claims 24-29, the examiner notes these are optional components only. With respect to the interfacial tension limitation of the claims, as the compositions of the reference contain the precise

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ingredients required by the claims, the examiner maintains the composition will inherently have an interfacial tension value within that presently claimed.

3. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Chavannes, GB 2,204,321.

Chavannes teaches biodegradable liquid detergent compositions (see abstract). The invention includes a process for the ultrasonic cleaning of articles by immersing the articles in a cleaning bath comprising water, surfactants, and builders (page 11, claims 1 and 14). An example of such a cleaning fluid comprises water, two nonionic surfactants, both ethoxylated alcohols, sodium nitrilotriacetate, and an alkyl benzene sulfonate (page 8, examples 4-6 and 8). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to additional components claimed in claims 24-29, the examiner notes these are optional components only. With respect to the interfacial tension limitation of the claims, as the compositions of the reference contain the precise ingredients required by the claims, the examiner maintains the composition will inherently have an interfacial tension value within that presently claimed.

4. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by DeSenna, US 5,529,788.

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DeSenna teaches effervescent cleaning tablets for use in ultrasonic cleaning equipment (see abstract). An example of such a composition comprises citric acid, protease enzyme, sodium carbonate, and alkyl sulfate (col. 4, example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuesting, US 4,448,750.

Fuesting teaches a process for sterilizing objects wherein an object is simultaneously subjected to a sterilizing liquid and ultrasonic radiation (see abstract). An example of such a sterilizing liquid comprises water, an alkyl sulfate, and carbamide (col. 10, claim 11). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Voit, US 4,308,229.

Voit teaches a process for sterilizing objects wherein an object is simultaneously subjected to a sterilizing liquid and ultrasonic radiation (see abstract). An example of such a sterilizing liquid comprises benzethonium chloride, ethoxylated alcohol, and

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isopropanol (col. 7, claim 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 17-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Awad, US 5,464,477.

Awad teaches a process for cleaning ferrous surfaces wherein an object is subjected to an ultrasonically agitated cleaning solution (see abstract). An example of such a cleaning solution comprises an anionic surfactant, citric acid, and ammonium citrate. Another example comprises two nonionic surfactants, an ethoxylated alcohol and an alkylpolyglycoside, and sodium carbonate (col. 6, table 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Motson, US 5,770,550.

Motson teaches a method for cleaning hard surfaces (see abstract). An example of such a method cleans a surface with a composition comprising an alkyl ether carboxylate, trisodium phosphate, EDTA, sodium metasilicate and water (col. 8, example) and ultrasonic energy (col. 12, claims 12, 14, and 15). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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9. Claims 17-22 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomaszewski, US 5,372,741.

Tomaszewski teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid (see abstract). An example of such a cleaning fluid comprises water, ethoxylated alcohol nonionic surfactant, phosphate ester anionic surfactant, alkyl imidazolinium amphoteric surfactant, and potassium carbonate (col. 5, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

10. Claims 17-21 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitazawa et al, US 5,350,457.

Kitazawa et al, US 5,350,457 teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid (see abstract). An example of such a cleaning fluid comprises water, two nonionic surfactants, an ethoxylated alcohol and ethylene oxide/propylene oxide copolymer, and an alkyl benzene sulfonate (col. 7, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703)

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308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer
April 29, 2004

A handwritten signature in cursive script, reading "Charles Boyer". The signature is written in dark ink and is positioned to the right of the typed name and date.